

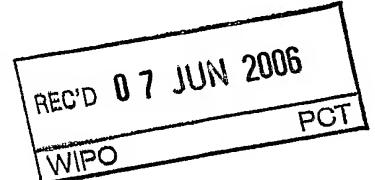
PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference -----	FOR FURTHER ACTION	
See Form PCT/IPEA/416		
International application No. PCT/BR2004/000195	International filing date (<i>day/month/year</i>) 07.10.2004	Priority date (<i>day/month/year</i>) 15.04.2004
International Patent Classification (IPC) or national classification and IPC INV. B60R22/10 B60N2/28		
Applicant UNIVERSIDADE ESTADUAL DE CAMPINAS-UNICAMP ET AL.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of sheets, as follows: <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 29.09.2005	Date of completion of this report 02.06.2006
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized officer Wauters, J Telephone No. +49 30 25901-



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

- The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-7
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-7
Industrial applicability (IA)	Yes:	Claims	1-7
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US 5 074 588 A
D2: US 2003 188 400 A

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

- 2.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and discloses (the references in parentheses applying to this document):

A restraint plate (12) for humans in a vehicle (column 1, lines 5-10) comprising:
a cervical protection plate (12),
two belts (54, 56) that surround the shoulders and pass through two latches (figure 3) that form a three point lock system (74), whereby said belts (54, 56) return to the anterior end, at the height of the waist, where said belts (54, 56) go through openings (28) in said cervical protection plate (12), whereby said two belts (54, 56) are joined together behind said cervical protection plate (figure 2) and the end of each belt (54, 56) will be fastened with a two ring system (76) which will serve as controlling and adjusting devices for said belts (54, 56), one leg strap (78) which goes towards the back of said cervical protection plate (12) and passes between the legs of the person being restrained, whereby said leg strap continues towards the waist and is fastened in said lock (74) and slits in said cervical protection plate (12) through which the conventional seat belt (22) passes to secure said cervical protection plate (12) to the car seat (24), thus allowing for the car seat retractor system to work in case of accidents.

- 2.2 The subject-matter of claim 1 therefore differs from this known restraint plate in that it further comprises a fastening strap which surrounds the cervical protection plate and fastens it to the car, whereby said fastening strap has a terminal, which must be screwed to the car body and that it comprises two leg straps instead of one.

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- 2.3. The problem to be solved by the present invention may therefore be regarded as improving the fastening of the restraint plate to the car seat and improving the fastening of the restraint plate to the person seated.
- 2.4. The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
- Just replacing one leg strap by two leg straps without changing/improving the function thereof is not being considered as an inventive step.
- Furthermore does D2 describe (paragraphs 25-29 and figures 1 and 2) a fastening strap as described in the application and provides the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the restraint plate described in document D1 in order to solve the problem posed.
3. The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear. Different terms, once "belt" once "strap", are used in claim 1 to define to same object, namely part 1 on figure 1, more over the same term "strap" is used for different objects, e.g. parts 6, 13, 18 on figure 2. This is unclear and leaves the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT. A unique term should be used for each different technical feature.
- 3.1. Furthermore the application does not meet the requirements of Article 6 PCT, because claim 1 is not clear. Claim 1 is not supported by the description as required by Article 6 PCT, as its scope is broader than justified by the description and drawings. The reasons therefor are the following:
- The description discloses that the leg straps (6) are connected to the back strap (13), this is not disclosed in claim 1, making claim 1 broader than justified by the description.
- Furthermore the description discloses that the belts (1) are connected to the back strap (13), this is not disclosed in claim 1, making claim 1 broader than justified by the description.
4. Dependent claims 2-7 does not contain any features which, in combination with the

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features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1 and D2 and the corresponding passages cited in the search report.

5. Claims 1-7 do meet the requirements of Article 33(4) PCT (industrial applicability).